

Response To Restriction Requirement  
U.S. Patent Application No. 10/060,958

REMARKS

In the Restriction Requirement, the Examiner set forth a 5-way restriction requirement. The Examiner requested that the applicants elect one of the following inventions:

- I. Claims 1-60, 98, and 101-104, drawn to a graft delivery system;
- II. Claims 61-65, drawn to a coupling device;
- III. Claims 66-96 and 105, drawn to a graft delivery system using a mammary artery;
- IV. Claim 99, drawn to a method of installing a graft in a patient; or
- V. Claim 100, drawn to a method of installing a mammary artery as a graft in a patient.

In response, the applicants elect with traverse the subject matter of Group III, encompassing claims 66-96 and 105 drawn to a graft delivery system using a mammary artery. The applicants believe that the remaining subject matter can also be included in this examination since there appears to be no serious burden on the Examiner to search the remaining subject matter set forth in the non-elected claims.

At a minimum, the Examiner should examine and include claim 100, drawn to a method of installing a mammary artery as a graft in a patient. The Examiner will note that this subject matter is very similar to the subject matter set forth in Group III; and is classified in the same area. By the Examiner examining the subject matter of claims 66-96 and 105, the Examiner will likely be examining the subject matter of claim 100 as well. There would be no serious burden to search at a minimum the subject matter of claim 100, and it would be quite logical to do so at this time.

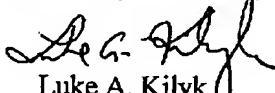
Thus, the Examiner is respectfully requested to rejoin the non-elected subject matter and to withdraw the restriction requirement. At a minimum, the Examiner is respectfully requested to include claim 100 into Group III and also claim 99 into Group I for similar reasons.

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Moreover, under M.P.E.P §803, if there is no serious burden in the examination of all of the claims even if the claims directed to separate inventions, the Examiner must examine all claims at this time. It would appear that §803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time.

If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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